

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) Case No. 17-cr-00609-VC-1
)
Plaintiff,) San Francisco, California
) Courtroom A, 15th Floor
vs.) Tuesday, November 5, 2019
)
JOSE INEZ GARCIA-ZARATE,)
)
Defendant.)
_____)

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE THOMAS S. HIXSON
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

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1 SAN FRANCISCO, CALIFORNIA TUESDAY, NOVEMBER 5, 2019 11:15 A.M.

2 --oOo--

3 THE CLERK: Calling criminal action 17-609, USA v. Jose
4 Inez Garcia-Zarate. Counsel, please state your appearances for
5 the record.

6 MR. CHENG: Good morning, Your Honor. Eric Cheng and
7 Kevin Barry for the United States.

8 THE COURT: Good morning.

9 MR. SERRA: Good morning, Your Honor. It's Maria Belyi
10 and Tony Serra who are present here and have made a general
11 appearance on this matter for Mr. Zarate. He's present. He's in
12 custody and is being assisted by the Spanish interpreter.

13 THE COURT: Good morning.

14 THE INTERPRETER: Good morning, Your Honor. Daniel
15 Navarro. I've been sworn in, Your Honor.

16 THE COURT: And good morning. Mr. Zarate, the grand
17 jury has returned a superseding indictment charging you with
18 criminal offenses. You are here today to be arraigned on the
19 superseding indictment.

20 At this time, I'll ask the Government to summarize the
21 charges and the maximum penalties.

22 MR. CHENG: Yes, Your Honor. The Defendant is charged
23 in the superseding indictment under Title 18 of the United States
24 Code, Section 922(g)(1), felon in possession of a firearm and
25 ammunitions, and under Title 18 of the United States Code, Section

1 922(g)(5), alien in possession of a firearm and ammunition.

2 The maximum penalty as to both counts is as follows: Ten
3 years' imprisonment, \$250,000 fine, three years' supervised
4 released, \$100 mandatory special assessment, and forfeiture of
5 restitution.

6 THE COURT: Mr. Zarate, do you understand the nature of
7 the charges against you and the maximum penalties?

8 MR. GARCIA-ZARATE: No.

9 THE COURT: Counsel?

10 THE INTERPRETER: You have to talk to me in English --
11 in Spanish -- excuse me.

12 MR. GARCIA-ZARATE: In Spanish.

13 THE INTERPRETER: Spanish, for me.

14 THE COURT: I thought we had an interpreter who was
15 explaining things to you in Spanish.

16 MR. GARCIA-ZARATE: Yes, but one or two?

17 THE COURT: Counsel, do you want to confer with your
18 client to see what the source of the misunderstanding is?

19 MR. SERRA: On all prior occasions, he has understood.
20 We were just upstairs, as you know, and he understood said
21 interpreter. So I don't know the --

22 THE COURT: What is it that you don't understand?

23 MR. GARCIA-ZARATE: It's saying that it's just one
24 charge -- one charge, it being illegal to have a weapon in my
25 pants, the one that I had that day at Embarcadero, in my pants

1 pocket.

2 MR. SERRA: Wait a minute. I'm going to intercede.
3 We're not going to make that kind of statements. We're just not.

4 THE COURT: Okay. I believe one charge is for being a
5 felon in possession and the second charge is being an alien in
6 possession. Is that correct?

7 MR. CHENG: That's correct, Your Honor.

8 MR. SERRA: That's my understanding also.

9 THE COURT: So one charge is based on your background as
10 a felon and the second is based on your background as not being a
11 U.S. citizen. So they are two different charges relating to the
12 same conduct.

13 Do you understand that?

14 MR. GARCIA-ZARATE: Sorry?

15 THE COURT: Do you understand that?

16 MR. GARCIA-ZARATE: I just need to present illegal for
17 -- you're talking about immigration? You're talking about
18 immigration? The attorney talked about U.S. immigration. They're
19 talking about four deportations to Mexico. That's what they're
20 charging for?

21 THE COURT: No, no. That's a potential consequence, I
22 believe.

23 MR. BARRY: Your Honor, could we just maybe have a
24 recess with the lawyer and the interpreter and not have any other
25 statements on the record?

1 THE COURT: I think that would be a good idea. Let's
2 take a short recess so that counsel and the interpreter can
3 confer. Thank you. We will come back in a minute.

4 THE CLERK: We're off the record.

5 (Recording equipment failure from 11:23 a.m., until 11:32
6 a.m.)

7 (Proceedings adjourned at 11:32 a.m.)
8

9 I, Peggy Schuerger, certify that the foregoing is a
10 correct transcript from the official electronic sound recording
11 provided to me of the proceedings in the above-entitled matter.

12
13 
14 Signature of Approved Transcriber

December 10, 2019
Date

15 Peggy Schuerger
16 Typed or Printed Name
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